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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR     | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/072,393  | 02/05/2002  | Richard St. Clair Bailey | MS1-1008US          | 4781             |
| 22801   | 7590        | 07/29/2005               | EXAMINER            |                  |
| LEE & HAYES PLLC<br>421 W RIVERSIDE AVENUE SUITE 500<br>SPOKANE, WA 99201 |             |                          | ROSWELL, MICHAEL    |                  |
|   |             |                          | ART UNIT            | PAPER NUMBER     |
|   |             |                          | 2173                |                  |

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/072,393

Applicant(s)

BAILEY ET AL.

Examiner

Michael Roswell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-20 and 22-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-20 and 22-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2005-11-15</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 14 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The "generic description" of claim 1, line 6 and the limitation "creating a display having an arbitrary height, an arbitrary width, an arbitrary resolution, and an arbitrary operating system platform" are essential to the practice of the invention, but are not enabled by the disclosure. Furthermore, the "description of a display object" as disclosed in claim 14 is not defined in the specification. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). There is no mention of a generic description of a display object to be selected in the specification, nor is there mention of creating a display having an arbitrary height, an arbitrary width, an arbitrary resolution, and an arbitrary operating system platform. There is also no mention of any "description of a display object" in the specification.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Torres.

At col. 9, lines 7-24 and in Fig. 7, it can be seen that Torres teaches a first and second definition for defining first and second-sized objects according to a fraction of a height and width

of a display. It can be seen at col. 9, lines 7-24 that Torres allows for a single character set to be displayed throughout a window based on the window size, and thus uses only objects having a size of the first-sized display object or the second-sized display object. Furthermore, Torres at col. 7, lines 44-50 allows for multiple windows to use such sizing, allowing for the display of first-sized or second-sized display objects on different displays having different heights and widths.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 6, 8-20, and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torres and Winer.

Regarding claim 1, Torres teaches establishing a tiered sizing schema that defines multiple size tiers for display objects (taught as the character sets as shown in Fig. 7 and described at col. 7, lines 33-50), receiving an application program that specifies one of the multiple size tiers to associate with a generic description of a display object to be selected (taught as the selection of a character set at col. 9, lines 7-24), selecting the display object to associate with the generic description, and displaying the display object on the display at the specified size tier (taught as the application of the character font to all specific text objects, at col. 9, lines 7-24).

However, Torres fails to explicitly teach specifying a fraction of a height of a display as a vertical location on the display, specifying a fraction of a width of the display as a horizontal location on the display, creating a display having an arbitrary height, an arbitrary width, an

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arbitrary resolution, and an arbitrary operating system platform, as well as displaying the display object at the specified fraction of the height and at the specified fraction of the width.

Winer teaches a system for designing dynamic layouts for various display objects. Winer also teaches defining vertical and horizontal locations on a display according to a percentage of a display (which is inherently related to a fraction of a display) and displaying display objects at those locations, at col. 17, lines 58-66, and col. 18, lines 2-5 and 21-30. Furthermore, Winer teaches creating a display having an arbitrary height, width, and resolutions, at col. 3, lines 21-25. Platform independence is also a well-known and desirable feature of graphical software, and would have been obvious to include in the layout applications of Torres and Winer.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Torres and Winer before him at the time the invention was made to modify the character sets for display objects of Torres with the fractional display and creation of arbitrary display characteristics of Winer in order to obtain an application program with multiple size tiers capable of displaying objects at a position on a display based on a fraction of the display.

One would be motivated to make such a combination for the advantage of displaying the same amount of data to a user even if the display size is changed. See Torres, col. 3, lines 62-65.

Regarding claims 2 and 3, Winer teaches the fraction of the height comprising a percentage of the height from a top edge of the display and the fraction of the width comprising a percentage of the width from a left edge of the display, at col. 17, lines 58-66, and col. 18, lines 2-5 and 21-30.

Regarding claims 4 and 8, Winer teaches at col. 17, lines 58-66, and col. 18, lines 2-5 and 21-30 the ability to define the bounds of an object without regard to display units associated with the display in teaching the definition of object location by percentage.

Regarding claim 6, Winer teaches at col. 17-18, 58-30 allowing a user to define the location and size of displayed objects through an external user interface.

Regarding claim 9, Torres teaches defining a size for a display object from multiple sizes defined by a tiered sizing schema for display object sizes (taught as the character sets as shown in Fig. 7 and described at col. 7, lines 33-50), receiving an application program that specifies a size of a display object (taught as the selection of a character set at col. 9, lines 7-24), selecting and displaying a display object on the display at the specified size tier (taught as the application of the character font to all specific text objects, at col. 9, lines 7-24).

However, Torres fails to explicitly teach defining a first bound of a display object to be selected and displayed on a display according to a fraction of a height of the display and a fraction of the width of the display, defining a second bound of the display object according to a fraction of the height and width of the display, receiving an application program that specifies the first bound and second bound, selecting a display object to associate with the first bound and second bound, and displaying the display object on different displays having different height, width, resolution, and operating system platform characteristics.

Winer teaches a system for designing dynamic layouts for various display objects. Winer also teaches defining a first bound of a display object to be selected and displayed on a display according to a fraction of a height of the display and a fraction of the width of the display, defining a second bound of the display object according to a fraction of the height and width of

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the display, receiving an application program that specifies the first bound and second bound, selecting a display object to associate with the first bound and second bound, at col. 17, lines 58-66, and col. 18, lines 2-5 and 21-30. Furthermore, Winer teaches displaying the display object on different displays having different height, width, and resolution, at col. 3, lines 21-25. Platform independence is also a well-known and desirable feature of graphical software, and would have been obvious to include in the layout applications of Torres and Winer.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Torres and Winer before him at the time the invention was made to modify the character sets for display objects of Torres with the fractional display and creation of arbitrary display characteristics of Winer in order to obtain an application program with multiple size tiers capable of displaying objects at a position on a display based on a fraction of the display.

One would be motivated to make such a combination for the advantage of displaying the same amount of data to a user even if the display size is changed. See Torres, col. 3, lines 62-65.

Regarding claims 10 and 11, Winer teaches the fraction of the height comprising a percentage of the height from a top edge of the display and the fraction of the width comprising a percentage of the width from a left edge of the display, at col. 17, lines 58-66, and col. 18, lines 2-5 and 21-30.

Regarding claim 12, Winer teaches at col. 17-18, 58-30 allowing a user to define the location and size of displayed objects through an external user interface.

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Regarding claim 13, Winer teaches at col. 17-18, 58-30 the rendering and subsequent display of objects on a display.

Regarding claim 14, Winer teaches defining visual aspects of a graphical user interface, and size and location information for an object on a display and the selection of a display object, at cols. 17-18, lines 58-30.

However, Winer fails to explicitly teach defining the size of a display object according to a tiered sizing schema.

Torres teaches a method for varying displayed object size in relation to varying window size. Furthermore, Torres teaches a character set for changing the size of a displayed object proportional to the size of a window for displaying the objects, taught as the calculated percentage change of a window and the subsequent new object size calculation and display, at col. 9, lines 7-24.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Winer and Torres before him at the time the invention was made to modify the display of Winer with the varying object size display of Torres to obtain a system for display wherein object locations are defined by a user, and object sizes are defined by the change in a display size.

One would be motivated to make such a combination for the advantage of displaying the same amount of data to a user even if the display size is changed. See Torres, col. 3, lines 62-65.



Regarding claim 15, Torres teaches defining sizes of the display object allowed for use with the graphical user interface, taught as the calculated percentage change of a window and the subsequent new object size calculation and display, at col. 9, lines 7-24.

Regarding claims 16 and 17, Winer teaches defining vertical and horizontal locations on a display according to a percentage of a display (which is inherently related to a fraction of a display), and defining the height and width from the top edge and left edge of a display, at col. 17, lines 58-66, and col. 18, lines 2-5 and 21-30.

Regarding claim 18, Winer has been shown *supra* to teach defining the location of an object for display through the use of percentages and through fractions of height taken from the top edge of a display.

Regarding claims 19, Winer at cols. 17-18, lines 58-30 describes defining the visual aspects of display objects in a graphical user interface.

Regarding claim 20, it can be seen from Fig. 9 that Winer allows the user to define visual aspects of displayed objects other than location and size, such as the display of a background grid, page breaks, and rulers.

Regarding claim 22, Torres teaches defining a size for a display object from multiple sizes defined by a tiered sizing schema for display object sizes (taught as the character sets as shown in Fig. 7 and described at col. 7, lines 33-50), receiving an application program that specifies a size of a display object (taught as the selection of a character set at col. 9, lines 7-

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24), selecting and displaying a display object on the display at the specified size tier (taught as the application of the character font to all specific text objects, at col. 9, lines 7-24).

However, Torres fails to explicitly teach producing a graphical user interface usable on different displays having different height, width, resolution, and operating system characteristics, and the selection of one or more display objects to associate with the sizes and defines aspects of one or more display objects.

Winer teaches a system for designing dynamic layouts for various display objects. Winer also teaches producing a graphical user interface usable on different displays having different height, width, and resolution, and the selection of one or more display objects to associate with the sizes and defines aspects of one or more display objects. See col. 17, lines 58-66, and col. 18, lines 2-5 and 21-30 and col. 3, lines 21-25. Platform independence is also a well-known and desirable feature of graphical software, and would have been obvious to include in the layout applications of Torres and Winer.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Torres and Winer before him at the time the invention was made to modify the character sets for display objects of Torres with the fractional display and creation of arbitrary display characteristics of Winer in order to obtain an application program with multiple size tiers capable of displaying objects at a position on a display based on a fraction of the display.

One would be motivated to make such a combination for the advantage of displaying the same amount of data to a user even if the display size is changed. See Torres, col. 3, lines 62-65.

Regarding claims 23, Winer teaches defining vertical and horizontal locations on a display according to a percentage of a display (which is inherently related to a fraction of a

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display), and defining the height and width from the top edge and left edge of a display to the top edge, bottom edge, left edge, and right edge of a displayed object, at col. 17, lines 58-66, and col. 18, lines 2-5 and 21-30.

However, Winer fails to explicitly teach defining the size of a display object according to a tiered sizing schema.

Torres teaches a method for varying displayed object size in relation to varying window size. Furthermore, Torres teaches a character set for changing the size of a displayed object proportional to the size of a window for displaying the objects, taught as the calculated percentage change of a window and the subsequent new object size calculation and display, at col. 9, lines 7-24.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Winer and Torres before him at the time the invention was made to modify the percentage-defined display of Winer with the varying object size display of Torres to obtain a system for display wherein object locations are defined by a percentage of the display, and object sizes are defined by the change in a display size.

One would be motivated to make such a combination for the advantage of displaying the same amount of data to a user even if the display size is changed. See Torres, col. 3, lines 62-65.

Regarding claim 25, Torres teaches defining sizes of a display object, with visual aspects of the graphical user interface conforming to the sizing schema, and where the schema defines multiple sizes (see Fig. 7), taught as the calculated percentage change of a window and the subsequent new object size calculation and display, at col. 9, lines 7-24.

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Regarding claim 26, it can be seen from Fig. 7 that Torres teaches defining multiple object sizes in a tiered schema, which inherently includes small, medium, and large size object displays.

Regarding claims 27-28, Winer teaches defining vertical and horizontal locations on a display according to a percentage of a display (which is inherently related to a fraction of a display), at col. 17, lines 58-66, and col. 18, lines 2-5 and 21-30.

### ***Response to Arguments***

Applicant's arguments with respect to claim 22 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 20 April 2005 have been fully considered but they are not persuasive.

In response to Applicant's argument that Torres fails to teach the newly added limitations of claim 7, the Examiner respectfully disagrees. A detailed rejection of the newly added limitations is shown above.

In response to Applicant's argument that Torres and Winer fail to teach the newly added limitations of claims 1, 9, and 14, the Examiner respectfully disagrees. A detailed rejection of the newly added limitations is shown above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

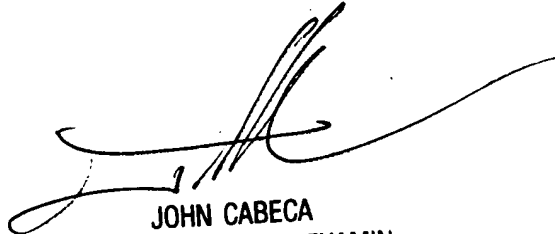
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell  
7/21/2005



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